

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SUSAN L. HOLLAND-HEWITT,

Plaintiff,

v.

ALLSTATE LIFE INSURANCE
COMPANY,

Defendant.

Case No. 1:20-cv-00652-DAD-SAB

ORDER SETTING SCHEDULING
CONFERENCE

Plaintiff Susan Holland-Hewitt initiated this action on May 8, 2020. (ECF No. 1.) On July 1, 2020, Defendant Allstate Life Insurance Company filed a motion to dismiss the complaint or stay the action pending issuance of a decision by the California Supreme Court in McHugh v. Protective Life Insurance, No. S259215, and pending issuance of a decision by the Ninth Circuit in either Bentley v. United of Omaha Life Insurance Company, Nos. 20-55435 and 20-55466, or Thomas v. State Farm Life Insurance Company, No. 20-55231. (ECF No. 7.) The Court partially granted Defendant's motion on June 23, 2021 and stayed the action. (ECF No. 30.)

On October 20, 2021, Defendant filed a status report indicating both the California Supreme Court and the Ninth Circuit had rendered decisions in McHugh and Thomas, respectively, and seeking to lift the stay and set the deadline to respond to the complaint for

1 November 20, 2021. (ECF No. 33.) This status report was filed concurrently with Defendant's
2 withdrawal of its prior motion to dismiss (ECF No. 8). (ECF No. 32.) On October 21, 2021, the
3 District Judge lifted the stay, ordered Defendant to file a response to the complaint by November
4 20, 2021, and referred the matter to the undersigned for the setting of a scheduling conference.
5 (ECF No. 34.)

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. A scheduling conference is SET for **January 10, 2022, at 1:30 p.m.** in Courtroom
8 9; and
9 2. The parties shall file a joint scheduling report **seven (7) days** prior to the
10 scheduling conference.

11 IT IS SO ORDERED.

12 Dated: **October 21, 2021**

13 
14 UNITED STATES MAGISTRATE JUDGE